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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,310	04/11/2006	Rolf Dupper	PD030106	3786
24498 7590 01/05/2010 Robert D. Shedd, Patent Operations THOMSON Licensing LLC P.O. Box 5312 Princeton, NJ 08543-5312				
EXAMINER				
GARCIA, CARLOS E				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/575,310

Applicant(s)

DUPPER ET AL.

Examiner

CARLOS E. GARCIA

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/15/2009.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4 and 6-10 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,2,4 and 6-10 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SI.08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

FINAL REJECTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Sakatani et al. (US 6172847; hereinafter Sakatani).

Re claim 1: Sakatani discloses a turntable 40 for a drive (see abs; Fig.5 for example) for storage media in disc form 13, with a bore (as defined by 12) for receiving a motor shaft 1 of a drive motor 10 and intended to be permanently fixed to the motor shaft (the hub 40 is securely fixed to the shaft 1 for proper operational purposes and is not detached or removed away from the shaft),

wherein the diameter of the bore is greater (as shown in Fig.5) than the diameter of the motor shaft, so that there is a gap (the spacing located where sleeve 6 is placed) between the wall of the bore and the motor shaft, and a lateral position of the turntable is adjustable (by way of the groove spacing 12 formed between sleeve 6 and hub 40, since the lubricant is able to flow through groove 12, the hub 40 must be movable at a minimum lateral direction relative the rotational axis of the shaft) in relation to an axis of rotation of the motor shaft (col.4, lines 45-53).

Re claim 2: Sakatani inherently discloses the bore is substantially cylindrical (since in Fig.5, the hub, sleeve and shaft are cylindrical, the spacing defined by item 12 is cylindrical).

Re claim 9: Sakatani further discloses having the turntable as set forth above with respect to claim 1, which further includes a device for reading from and/or writing to recording media in disc form 13 (col.1, lines 6-13).

3. Claims 1-2, 6 and 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee (US 5825746).

Re claims 1 and 6: Lee discloses a turntable (composed of elements 23-28 as shown in Fig.5) for a drive for storage media in disc form 1 (as shown in Fig.3), with a bore (central opening in element 26 in Fig.5) for receiving a motor shaft 22' of a drive motor 22 and intended to be permanently fixed to the motor shaft (interpreted as intended to be used attached to a motor shaft requiring the turntable to not be detached from the shaft),

wherein the diameter of the bore is greater (Fig.6), than the diameter of the motor shaft, so that there is a gap (seen in Fig.6 between element 26 and shaft) between the wall of the bore and the motor shaft (Fig.6), and

wherein the turntable comprises at least a first part 23 mounted on the motor shaft, which is fixed in relation to an axis of rotation of the motor shaft, and a second part 26, whose lateral position in relation to the axis of rotation of the motor shaft is adjustable (Fig.8-9; col.5, lines 16-50; the position of element 26 is moved in relation to

the motor shaft)), the first part and the second part being arranged such that there is a gap between the first and the second part (defined by ring 27).

Re claim 2: Lee further discloses the bore is substantially cylindrical (Fig.5).

Re claims 9 and 10: Lee further discloses having the turntable as set forth above with respect to claims 1 and 6, which further includes a device 61 for reading from and/or writing to recording media in disc form 1.

4. Claims 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Dennison (US 880369).

Re claim 7: Dennison inherently discloses a method for mounting a turntable 2 with a bore 4 on a motor shaft 1, it being possible to set an inclination and/or a lateral position of the turntable in relation to the motor shaft, comprising the steps of:

positioning the motor shaft in a defined position (as shown in Fig.1-3),
introducing the motor shaft into the bore (Fig.4) of the turntable,
adjusting the inclination and/or the lateral position of the turntable in relation to the motor shaft (Fig.3), and
permanently fixing (interpreted as requiring the turntable to be fixed to the shaft) the motor shaft in the bore of the turntable (see lines 61-68).

Re claim 8: Dennison inherently discloses a method for mounting a turntable 2 with a bore 4 on a motor shaft 1, the turntable comprising at least a first part, which is fixed in relation to an axis of rotation of the motor shaft, and a second part, whose inclination it being possible to set an inclination and/or a lateral position of the turntable in relation to the motor shaft, comprising the steps of:

positioning the motor shaft in a defined position (as shown in Fig.1-3),
introducing the motor shaft into the bore (Fig.4) of the turntable,
adjusting the inclination and/or the lateral position of the turntable in relation to the motor shaft (Fig.3), and
permanently fixing (interpreted as requiring the turntable to be fixed to the shaft) the motor shaft in the bore of the turntable (see lines 61-68).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sakatani or alternately Lee in view of Matsushima (US 6005311). The teachings of Sakatani and Lee have been discussed previously.

Both Sakatani and Lee disclose the claimed invention except for the bore is substantially conical.

Matsushima teaches a spindle motor structure including a conical end in the bore of a turntable 9 for installing a motor shaft 6 (Fig.1 for instance).

Therefore, a person of ordinary skill in the art would have had good reason to pursue the known options of trying a conical portion for the bore section of the turntable in either of Sakatani or Lee for the purpose of facilitating the mounting of the turntable on the shaft.

Response to Arguments

7. Applicant's arguments filed 10/15/2009 have been fully considered but they are not persuasive.

In re claims 7-8: The applicant argues “the tiltable part of the turntable disclosed by Dennison is not intended to be permanently fixed to the motor shaft. Instead, it is designed such that it is freely tiltable away from and towards a bearing”.

First, the Examiner points out that while the tiltable portion of the turntable is freely tiltable, the tiltable portion does not separate away from or become detached from the motor shaft during operation. Therefore, the limitation of “permanently fixing” such motor shaft to the turntable, is only interpreted to mean that the turntable remains connected and/or attached to the motor shaft.

Second, the method limitations of either claims 7 and 8 do not include a particular order for each step. Additionally, the limitation including the “permanently fixing” feature does not indicate that the turntable is not adjustable after the “permanently fixing” step.

In response to applicant's argument that "Dennison does not show the arrangement of permanently fixing the motor shaft in the bore of the turntable or permanently fixing the second part of the turntable on the motor shaft and/or on the first part of the turntable", a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Since the finished product structure of Dennison appears to clearly show an adjustable turntable, which is capable of being adjusted during mounting and/or after mounting in relation to the axis of the motor shaft, this structure is interpreted to clearly read on the method claims as currently presented.

Conclusion

8. The prior art made of record in PTO-892 Form and not relied upon is considered pertinent to applicant's disclosure.
9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CARLOS E. GARCIA whose telephone number is (571)270-1354. The examiner can normally be reached on M-Th 9am-5pm F 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Andrea can be reached on 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. E. G./
Examiner, Art Unit 2627
12/29/2009
/William J. Klimowicz/
Primary Examiner, Art Unit 2627